

RECV'D 05 SEP 2014 170300-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Civil No. 03-955-MA

Plaintiff,

v.

**FINAL JUDGMENT OF
FORFEITURE**

**47 10-OUNCE GOLD BARS,
35 1-OUNCE GOLD COINS, AND
3,069 1-OUNCE SILVER COINS,
in rem,**

Defendants.

Based upon this Court's Order of Default as to defendants, *in rem*, 47 10-ounce gold bars, 35 1-ounce gold coins, and 3,069 1-ounce silver coins, and all persons claiming any right, title, or interest in or to these defendants, except the claims of Crowne Gold, Christopher Athanas, Ester Miro, Terry Neal, John Overdyk, James Shandy, and Sean Trainor, and based upon the records and files in this action, including the Settlement Agreements filed between the United States and John Overdyk and Ester Miro filed on June 23, 2004; this Court's January 28, 2005, Opinion and Order granting the government's motion for summary judgment as to claimants Athanas and Shandy; the Settlement

Agreement between the United States and Terry Neal filed on September 19, 2005; and the Settlement Agreement between the United States and Crowne Gold and Sean Trainor filed on September 20, 2005,

IT IS ORDERED that the United States shall return to claimants Sean Trainor and Crowne Gold, through Sean Trainor's representative(s) Jim or Billie Schilling, 16 of defendant 10-ounce gold bars, 15 of defendant 1-ounce gold coins, and defendant 3,069 1-ounce silver coins.

IT IS ORDERED that the United States shall return to claimant Terry Neal, through his attorney Ronald H. Hoevet, 9 of defendant 1-ounce gold coins.

IT IS ORDERED that based upon such default and the records and files in this action, this Court has subject matter jurisdiction in this action and the remaining defendants, *in rem*, 31 10-ounce gold bars and 11 1-ounce gold coins, are condemned and forfeited to the United States of America, free and clear of the claims of any and all persons claiming any right, title, or interest in or to these defendants. The United States Department of Treasury is directed to immediately transfer the custody and possession of the remaining defendants, 31 10-ounce gold bars and 11 1-ounce gold coins, to the Secretary of Treasury of the United States for disposition in accordance with applicable statutes and regulations and provisions of this judgment.

IT IS ORDERED that from the proceeds of the sale of the forfeited defendants, the United States shall issue a check to claimant Ester Miro in an amount equal to the price paid at the sale for 15 ounces of gold.

IT IS ORDERED that from the proceeds of the forfeited defendants, the United States shall issue a check to claimant John Overdyk in an amount equal to the price paid at the sale for 7 ounces of gold.

This Court finds that there was reasonable cause for the seizure and arrest of the defendants, *in rem*, 47 10-ounce gold bars, 35 1-ounce gold coins, and 3,069 1-ounce silver coins, and therefore,

IT IS ORDERED, pursuant to 28 U.S.C. § 2465(a)(2), neither the person(s) who made the seizure or arrest nor the prosecutor(s) shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimants be entitled to costs.

The parties will each bear their own costs and attorney's fees incurred in prosecuting and defending this action.

DATED this 21st day of September, 2005.



MALCOLM F. MARSH
United States District Judge

PRESENTED BY:

KARIN J. IMMERMUTH
United States Attorney



LESLIE J. WESTPHAL
Assistant United States Attorney